

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

Docket Number (optional)
51919-1041

I hereby declare that:

My residence and mailing address and citizenship are stated below next to my name.

I am authorized to act on behalf of the following assignee: Eclipsys Corporation,
and the title of my position with said assignee is: General Counsel.

The entire title to the patent identified below is vested in said assignee.

Name of Patentee(s):

Richard Edward Shelton, Ronald Evan Norden-Paut, Audree Anne Thurman, and Stanley C. Person

Patent Number

5,206,907

Date of Patent Issued

May 4, 1993

Title of Invention

Method for Generating a Display Utilizing Objects in an Object List

I believe said patentee(s) to be the original, first and sole/joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled

Method for Generating a Display Utilizing Objects in an Object List,

the specification of which

☐ is attached hereto.

☒ was filed on 10/09/2001, as reissue application number 09/974,515
and was amended on _____
(if applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.

☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☒ by reason of other errors.

At least one error upon which reissue is based is described as follows:

See attached Page 4 of 4 "Statement of Inoperativeness"

[Attach additional sheets, if needed.]

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

REISSUE APPLICATION DECLARATION BY THE ASSIGNEE

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I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

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34,183

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of person signing (given name, family name)

Brian Copple, General Counsel for Eclipsys Corporation

Signature:



Date

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STATEMENT OF INOPERATIVENESS

Applicant believes U.S. Patent No. 5,208,907 to be partly inoperative based upon unclear language in some of the claims of the patent, which became apparent during a court proceeding of *Scheduling.com, Inc. v. Eclipsys Corporation and Emtek Health Care Systems, Inc.*, Civil Action No. Civ00-496-TUC-WDB, in the United States District Court for the District of Arizona to enforce the patent. At least one error being relied upon as the basis for the reissue is as follows.

Claim 1, step (c), reads as follows:

“using said processing means, assigning a plurality of tiles to each of said objects in said object list, at least one of said tiles being assigned to a group of said objects, and at least a second of said tiles being assigned to an individual one of said objects”

An argument is being made by a party to the aforementioned litigation that claim 1 is invalid under 35 U.S.C Section 112, because the specification of U.S. Patent No. 5,208,907 does not support assigning a plurality of tiles to a single object, which is allegedly recited in step (c). However, as is clear from the specification of U.S. Patent No. 5,208,907 and the file history, this is an untended interpretation of this claim language. The language of the last two clauses of this step (c), i.e., “at least one of said tiles ... objects,” was added in an amendment to overcome prior art and to further define the first clause of this step (c), i.e., “using said processing means, assigning a plurality of tiles to said objects in said object list.” Then, in a later amendment by applicants, the underlined language “to each of said objects” was restored, which led to this potential clarity problem and this unintended interpretation of this claim.